

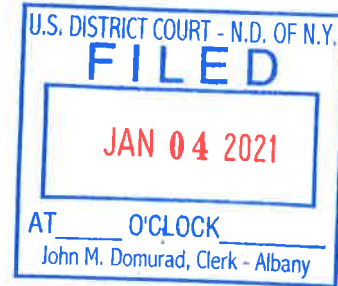
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**ERNESTINE WELCH,
PLANTIFF,**

1:19-CV-846

**BIO-REFERENCE LABORTORIES, INC,
DEFENANTS.**

ERNESTINE WELCH
Plaintiff, Pro Se
P.O. Box 273
Hudson, NY 12534



**DANIEL J. STEWART
UNITED STATES MAGISTRATE JUDGE**

SETTLEMENT AGREEMENT

On November 03, 2020 a settlement Skype meeting was held, Welch V. Bio-Reference Lab. I am writing the courts on behalf of this settlement agreement. The parties came to an agreement to settle at an amount of \$18,000. On record it was never determined or agreed on my behalf, that this award would be based on lost wages, which included back pay, front pay, severance pay, and unpaid overtime, constitutes "wages" and is subject to income and employment tax withholdings by the defendants.

I'm very disappointed in the outcome of this settlement. Although the parties came to agreement on November 3rd 2020, the Confidentiality Agreement 21-day clock did not start until December 02, 2020, for unknown reasons. Not sure when the clock starts for this new law after an agreement has been settled?

On December 3, 2020 I received an email from Mr. Sorsby stating "Ernestine, please complete and email back to me the attached tax docs. They need these ASAP to get the payroll department processing the checks". I was not fully informed or aware of being taxed on settlement amount. December 23, 2020, I signed the Confidentially agreement, sent VIA email by my attorney Patrick Sorsby, Esq, on this day, I also signed the Settlement Agreement at Mr. Sorsby law office, which never stated any clause regarding being taxed or less amount received less then \$ 14,000 minus \$4,000 attorney fees owed that I agreed to during settlement hearing.

I was then informed on December 31, 2020 via email from Mr. Sorsby that settlement check where sent via Fedex to Ms. Welch which she should receive by January 4, 2021, with attachment documents of the actual check payment of \$ 8,502.20 after tax deductions of \$14,000 based on Severance pay. These allocations of settlement payments were not detailed in settlement agreement on November 2nd 2020 nor in writing agreement signed on December 23, 2020. I was never informed of the tax withholding (see, Rivera v. Baker West, inc. (9th Cir. 2005) 430 F.3d 1253, 1257).

I was not aware of the tax discussions during hearing settlement on November 2nd, 2020. I was not giving details of net pay upon signing the settlement agreement. I am asking the courts to oversee the negative tax damages that has been done. I am asking the courts to make a final determination based on the court records documented on the above hearing agreement day. It is my belief that the agreement was not settle on lost "wages". My employment with the defendants ended on October 3rd, 2018. The damages awarded was not properly characterized as "wages" subjected to tax withholdings so therefore the defendants, was not required to withhold payroll taxes from the award.

I'm asking the court to please appeal the discussion the defendants have made and recover the tax withholds that was taken in this judgement. I'm asking that this recovery be rewarded in a timely matter due to the extreme delayed process of the settlement and now damages that occurred.

I Look forward to hearing from you soon, thanks for your time and attention on this matter. Any questions please feel free to contact me for any questions at the above address or at 518-772-8921.

Sincerely,

A handwritten signature in cursive script that reads "Ernestine Welch". The signature is written in dark ink and is positioned to the right of the typed name.

Ernestine Welch,

January, 03, 2021

CO.	FILE	DEPT.	CLOCK	CHK. NO.
BXV	107684	00129	MAI	0000000421

BIO-REFERENCE LABORATORIES, INC.
 481 EDWARD H. ROSS DRIVE
 ELMWOOD PARK, NJ 07407

Earnings Statement

Period Beginning: 11/28/2020
 Period Ending: 12/11/2020
 Pay Date: 12/09/2020

Filing Status: Single

Social Security Number: [REDACTED] ***Redacted***

ERNESTINE N WELCH
PO BOX 273
HUDSON, NY 12534

Important Notes

Earnings	Rate	Hours	This Period	Year to Date
SEVERANCE		0.00	14,000.00	14,000.00
Gross Pay	\$		14,000.00	14,000.00
Deductions	Statutory			
Federal Income Tax			3,080.00 -	3,080.00 -
Social Security Tax			868.00 -	868.00 -
Medicare Tax			203.00 -	203.00 -
NY State Income Tax			1,346.80 -	1,346.80 -
Net Pay	\$		8,502.20	
Net Check	\$		8,502.20	

Other Benefits and Information

This Period Year to Date

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THE BACK OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. PAYROLL CHECK NUMBER 0000000421 • HOLD OFF 7800312 TO VIEW

BIO-REFERENCE LABORATORIES, INC.
 481 EDWARD H. ROSS DRIVE
 ELMWOOD PARK, NJ 07407

Pay Date: 12/09/2020
 Employee ID: 107684

000421

1-2/10

Pay to the
 order of **ERNESTINE N WELCH**

This Amount: **EIGHT THOUSAND FIVE HUNDRED TWO AND 20/100 DOLLARS**

\$ 8,502.20

*** VOID AFTER 90 DAYS***

JPMORGAN CHASE BANK, N.A.
 NEW YORK, NY

AUTHORIZED SIGNATURE

Redacted

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BIO-REFERENCE LABORATORIES, INC.

The Law Office of Patrick Sorsby PLLC

12/09/2020

INVOICE NO.

INVOICE DATE

VOUCHER

AMOUNT

DISCOUNT

TOTAL PAYMENT

120720

12/07/2020

1140918

4,000.00

0.000

4,000.00

Check Total 4,000.00

113023

BIO-REFERENCE LABORATORIES, INC.481 EDWARD H ROSS DRIVE
ELMWOOD PARK, NEW JERSEY 07407JPMorgan Chase Bank, N.A.
Syracuse, New York

50-937/213

12/09/2020

\$4,000.00

DATE

AMOUNT

Four thousand Dollars

PAY
TO THE
ORDER
OFThe Law Office of Patrick Sorsby PLLC
1568 Central Avenue

Albany NY 12205



VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

Security features. Details on back.

Redacted



faegredrinker.com

William R. Horwitz
william.horwitz@faegredrinker.com
973-549-7142 direct

Faegre Drinker Biddle & Reath LLP
1177 Avenue of the Americas, 41st Floor
New York, New York 10036
+1 212 248 3140 main
+1 212 248 3141 fax

CONFIDENTIAL SETTLEMENT COMMUNICATION

December 31, 2020

VIA FEDEX DELIVERY

Ms. Ernestine Welch
1447 County Route 19
Elizaville, New York 12523

Re: Ernestine Welch v. BioReference Laboratories, Inc.
Civil Action No. 1:19-cv-00846 (BKS) (DJS)

Dear Ms. Welch:

In connection with the settlement of the above-referenced case, your attorney, Patrick Sorsby, has asked that I send the enclosed settlement payment directly to you. Accordingly, enclosed is a "Bio-Reference Laboratories, Inc." check (Check No. 000421) in the total gross amount of eight thousand five hundred two dollars and twenty cents (\$8,502.20) payable to "Ernestine N. Welch." Also enclosed is the Earnings Statement associated with that check.

Best wishes for the New Year.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W.R.H.", followed by a horizontal flourish.

WILLIAM R. HORWITZ

Enclosure

cc: Patrick Sorsby, Esq. (w/enclosure) (via electronic mail)